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September 20, 1999

FDA/Dockets Management Branch (HFA-305)  
Docket No. 98N-1230  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

**Re: Egg Safety Action Plan; Public Meeting**  
**Docket No. 98N-1230**  
**64 Fed. Reg. 44195 (August 13, 1999)**

**Food Labeling: Safe Handling Statements: Labeling of Shell Eggs; Shell Eggs:**  
**Refrigeration of Shell Eggs Held for Retail Distribution**  
**Docket Nos. 98N-1230, 96P-0418, 97P-0197**  
**64 Fed. Reg. 36492 (July 6, 1999)**

AARP appreciates this opportunity to comment on two important proposals aimed at improving the safety of eggs and egg products, the Egg Safety Action Plan under development by the President's Council on Food Safety, and the Food and Drug Administration's (FDA) proposed rule on safe handling labels and refrigeration requirements for shell eggs.

Eggs contaminated with salmonella enteritidis (SE) are a major source of foodborne illness, particularly among older persons. According to government statistics, 85 percent of reported deaths from SE between 1988 and 1992 were among elderly residents of nursing homes. While there are many food safety problems that elude quick solutions, SE contamination of eggs can be significantly reduced -- if not eliminated -- by employing existing technologies and easily-implemented strategies.

As we stated in our comments submitted in August 1998 on the joint FDA-FSIS advanced notice of proposed rulemaking (ANPR), AARP believes that the best strategy to address the problem of SE contamination in eggs is a multi-part approach, which combines processing, storage, and transportation controls, product labeling, and education of food retailers and consumers. As has been the case with seafood, raw juice products, and meat and poultry, a system of processing controls based on the Hazard Analysis and Critical Control Point (HACCP) system is the key component of this multi-part approach.

96P-0418

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On-farm testing and control measures should be the focus of such a HACCP system for eggs because the farm is where initial contamination occurs. Rodent droppings and contaminated feed are two sources of SE. Egg producers should implement sanitation methods that control the presence of rodents in laying houses and keep feed free of contaminants. This HACCP program must include on-going testing of flocks. This provides the only way producers will be able to monitor and control the levels of SE contamination.

Other measures that should be part of an effective SE strategy include mandatory diversion of eggs from contaminated flocks to pasteurization, mandatory expiration dates for shell eggs, a ban on repacking and redating old eggs, mandatory refrigeration of eggs throughout the processing and distribution chain, and mandatory labels on egg cartons to alert consumers regarding the health threat posed by SE contamination and what they can do to minimize or eliminate it. After first discussing the proposed goal of the Egg Safety Action Plan, these comments focus on the last two measures, refrigeration requirements and egg carton labeling.

### **The Egg Safety Action Plan**

According to the Council, the overarching goal of the Egg Safety Action Plan is to achieve a 50% reduction in SE illnesses by 2005. AARP believes that a more significant decrease in SE illness is clearly achievable by this target date. As noted above, technologies and strategies currently exist to minimize SE contamination in shell eggs.

SE contamination of eggs is not a new problem; it has been a decade since the Centers for Disease Control and Prevention first identified SE in eggs as a public health threat. Since that time, the federal government has failed to develop a clear, coherent and effective plan to combat the problem. A major obstacle to effective action is the fact that four different government agencies have responsibility for different aspects of eggs and egg products. We urge the government to consolidate the responsibility for egg safety into a single agency, which would implement a comprehensive egg-safety plan along the lines suggested here and by other consumer and public health groups.

### **Refrigeration Requirements**

AARP strongly supports mandatory refrigeration requirements for eggs during transportation and storage. There is general agreement that keeping eggs at the appropriate temperature can prevent SE from proliferating; there is, of course, some difference of opinion as to where to set that temperature. In our comments on the joint FDA-FSIS ANPR last August, we urged the government to quickly finalize its proposed refrigeration regulation to require that shell eggs be stored and transported at an ambient temperature not to exceed 45 degrees Fahrenheit. While we believe that the 45 degree - F. ambient temperature is a reasonable place to set the initial refrigeration requirement, we urge the agency to consider the views of groups that contend that the *ambient* temperature must be set at a maximum of 41 deg. F. in order to ensure that the *internal* temperature of the eggs is no greater than 45 deg. F. This point is of particular concern with eggs that are packed tightly together in large trays. Eggs must be exposed to sufficient air flow to cool them below temperatures that promote the growth of SE.

We urge FDA to look at the refrigeration studies that currently exist and reevaluate the proposed requirement. If the 45 deg. F. limit is adopted, then FDA should also monitor the effectiveness of the refrigeration requirement, review any new studies, and expeditiously revise the temperature requirement should the existing limit prove deficient.

### **Safe Handling Statement**

An additional, critical component of any regulatory strategy to minimize foodborne illness associated with eggs is a safe handling statement on the packages of shell eggs that have not been treated to destroy SE contamination. As AARP said in our earlier comments, the optimal content and format of such a safe handling statement should be developed through extensive consumer testing. While FDA did conduct some focus groups to test possible messages, we urge the agency to use direct testing (such as mall-intercept tests) to further refine the statement. Given the particular susceptibility of older persons to food-borne illness and the prevalence of impaired vision among this population, it would be appropriate for FDA to focus its message-testing on this group.

AARP believes that an effective safe handling statement for eggs must:

- include an “informational statement” (of risks of contaminated eggs) that is linked to an “instructional statement” (of ways to reduce the risk).
- begin with a “signal word” -- in order to catch a consumer’s attention, the safe handling statement should begin with an appropriate signal word like “Caution” or “Note.”
- use specific language in the instructional statement. We are concerned that use of the phrase “cook thoroughly,” when referring to foods that contain any egg components, might be too vague.

Because the proposed safe handling statement for eggs is rather long, we urge the agency to use bullets to make the statement easier to read. FDA should consider the layout of the safe handling label for meat and poultry products as a model (although it employs symbols, not bullets, to separate text). We endorse the agency’s proposal to require that the safe handling statement for eggs be set off in a box, which will make the statement easier for consumers to identify. We believe that further testing should be conducted to determine whether the statement should be placed on the main carton display panel or the information panel of the egg container.

Other formatting requirements that would enhance the readability of the safe handling statement should also be considered. These include a type-size minimum,<sup>1</sup> the use of simple type styles and of ink and paper colors with sufficient contrast. Use of all upper-case letters is harder to read; use of bold type is a better way to highlight important information.

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<sup>1</sup> There is widespread agreement among readability experts that 12-point type is the best type size for older persons. See Michigan Health Council Promotion Project, *Guidelines for Printed Materials for Older Adults*. A safe handling statement for eggs printed in 12-point type may not be practical for egg cartons, but a statement printed in less than 8-point type would be extremely difficult for most older persons to read.

AARP appreciates this opportunity to comment on the Egg Safety Action Plan and FDA's proposed rule on refrigeration requirements and safe handling statement for shell eggs. We look forward to working with FDA on this important issue. If you have any questions, please contact Larry White at (202) 434-3800 in our Federal Affairs staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Corry". The signature is fluid and cursive, with a long horizontal stroke at the end.

Martin A. Corry  
Director  
Federal Affairs

HEALTH AND HUMAN SERVICES  
FOOD AND DRUG ADMINISTRATION  
**CROSS REFERENCE SHEET**

Docket Number/Item Code: 98N-1230/C639

See Docket Number/Item Code: 97P-0197/C640  
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